

1907-046 Chancery Causes: J. S. Yeary & vs. Luther Dean &  
Lee Co.

Ben Kew, Calder, Stidham, Smith, Jenkins

1 Plat

CA-Estate Dispute  
T-Property



To the Hon. H.A.W.Skeen Judge of the Circuit Court of Lee County Va.

Humbly complaining your complainant<sup>g</sup> Luvena A. Yeary , J.S.Yeary , Laura Benkaw , Letha Calder, Florida A.Stidham, Orleanna Dean, Rosa Smith, Flora Jenkins, Richard Smith, would respectfully represent and show unto your honor, that on the \_\_\_ day of \_\_\_ 19\_\_ one A.J.Dean departed this life - leaving your complainants, and W.T.Dean, Katy Dean, J.A.Dean, P.Y.Dean, Rhoda M.Dean, G.C.Dean, Eliza Dean, (widow) children and heirs at law of Thompson Dean Dec. who was a son of A.J.Dean Dec. Marie Dean, Luther Dean, Abner Dean, Laura Dean, and Snyder Dean, (infants) children and heirs at law of Rufus Dean Dec. who was a son of A.J.Dean Dec. his children and heirs at law, your complainant J.S.Yeary, has bought the interest of the heirs of Thompson Dean Dec. -and said A.J.Dean departed this life seized and possessed of a tract of land containing 150 acres more or less situated in Lee County, Va., and bounded on the W. by lands of J.S.Yeary, on the East by Eliza and Tip Dean, on South by Ely land and on the North by lands of Gibson and Dillmen.

Your complainants allege that A.J.Dean died intestate and that said tract of land should be partitioned among those entitled thereto, your complainant<sup>J.S. Yeary</sup> asks that his share purchased from heirs of Thompson Dean Dec. be assigned adjoining the interest<sup>x</sup> of his wife Luvena A. Yeary, which would be two sevenths- and that the heirs of Hester Ann Smith Dec. to-wit, K.M.Smith, Rosa Smith, Flora Jenkins Richard Smith and Rufus Smith, be assigned one seventh that Laura Benkaw, be assigned one seventh, that Letha Calder, be assigned one seventh, that Florida A.Stidham be assigned one seventh, and the heirs and widow of Rufus Dean Dec. be assigned one seventh all with reference to quality and quantity.

The prayer of your complainants is; that Marie Dean, Luther<sup>bill</sup> Dean, Abner Dean, Laura Dean , and Snyder Dean (infants) be made parties defendant to this and answer the same but not on oath that being waived, that a Guardian Ad Litem be assigned to defend for said infant defendants, that said land be partitioned among those



entitled thereto, that all relief generally be granted your com  
Complainants that ~~their~~ case may require or to equity seem meet and  
they will ever pray ect.

M. G. Ely. p.d.



Costs:

Clerk	\$9.45
G.A.R.	5.00
atly.	15.00
Comm.	34.00
	<u>\$63.45</u>
	9.07

J. S. Yeary et als,  
 vs. ~~Bill~~ Bill in Chancery,  
~~Luther~~ Dean et als,

Filed August 6, 1907.  
 W. C. D. Ewing,  
 Clerk.



In the Circuit Court for the County of Lee,  
to-wit:

THE ANSWER OF Marie Dean, Luther Dean, Abner  
Dean, Laura Dean, Snyder Dean.

infants, under the age of twenty-one years, by James W. Orr  
guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against  
them and others in the Circuit Court for the County of  
Lee, by J. S. Yeary and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian ad litem, say that they are infants of  
tender years, and by reason of such disability are incapable of understanding, or of  
taking care of their rights and interests, they therefore commend the same  
to the protection of the court, and prays that no decree may be pronounced which will tend  
to their prejudice.

And having answered, the respondent pray to be hence dismissed with their  
reasonable costs, in this behalf expended; and they will ever pray, &c.

James W. Orr Guardian ad litem.  
p. d.

County  
of }  
Lee } ss.

This day, James W. Orr, whose name is signed to  
the foregoing answer, personally appeared before me, W. S. Com. in Ch.  
and made oath that the statements made therein, so far as they depend upon his own knowl-  
edge, are true, and so far as they depend upon knowledge derived from others he believes them  
to be true.

Given under my hand, this 19<sup>th</sup> day of Sept., 1907-

W. S. Com. in Ch.



*Luther Dean and others*

adv. }

ANSWER  
OF  
INFANT DEFENDANT.

*J. S. Yeary*

*G. A. S. Fu \$500*



J. S. Yeary and others Plff -  
against ~~the~~ Lee Chancery.

Luther Dean and others. Defts.  
This cause came on this day to be heard  
upon the papers formerly read in the cause,  
the report of Commissioners, M. M. Speck, G. F. Smith  
and S. E. Thompson, filed Dec. 6<sup>th</sup> 1907 - and  
was argued by Counsel -  
on consideration of which, said report having  
been ~~filed~~ ~~or~~ accepted to, the Court doth  
approve and confirm said report and it is  
adjudged, ordered and decreed that the children  
and heirs at law of A. J. Dean & Co. take and  
hold the lands assigned to them in said  
partition by metes and bounds and the  
deeds of this Court will record in the  
deed Books of the County Clerk Office of  
Lee County Va. the decree appointing  
said Commissioners, their report of  
partition, and this decree - And the parties  
in interest will pay the costs of this  
suit in proportion to their interests for  
which execution may issue in the name  
of the officers of the Court, and nothing  
further remaining to be done this cause  
is stricken from the docket.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 3rd day of January,  
1908, the foregoing decrees, commissioners' report and plat were presented,  
and together with the exhibits admitted to record.

Teste: \_\_\_\_\_, Clerk



J. S. Yeary et al -  
vs. ~~the~~ Deere Funeral  
Luther Deane et al -

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Entered in C.O.B.  
# 8, page 343

Recorded in Ord  
Book 46, page 451  
Examined Jan 25, 1908  
Indepd

Enter this

H. A. W. Stone

Dec. 10<sup>th</sup> 1907 -



J. S. Yeary & others Plaintiffs  
against  $\frac{2}{3}$   $\frac{1}{3}$  De Chancery -

Luther Dean & others Defendants.

This cause came on this day to be heard upon the bill of complainants, the answer of the infant defendants by James W. Orr their Guardian ad-Litem duly sworn to, general replication thereto and was argued by counsel - On consideration of which it is adjudged ordered and decreed that M. M. Sparks, G. F. Smith and A. E. Thompson - are hereby appointed commissioners who after being duly sworn, will go upon the lands of which A. J. Dean died seized and lay off and partition <sup>and appraise</sup> the same among the children and heirs at law of the said A. J. Dean - assigning to each one one-seventh thereof, and with reference to quantity and quality - and they will report to court and the cause is continued -



J.S. Gary and others  
vs { Deane -

Luther Deane & others

Entered in C.B.

#8, page 325-

Recorded in Deed  
Book 46, page 447

Examined, 25, 1908

Indexed

Enter this

H. A. W. Stearn

Sept. 19<sup>th</sup> 1907-



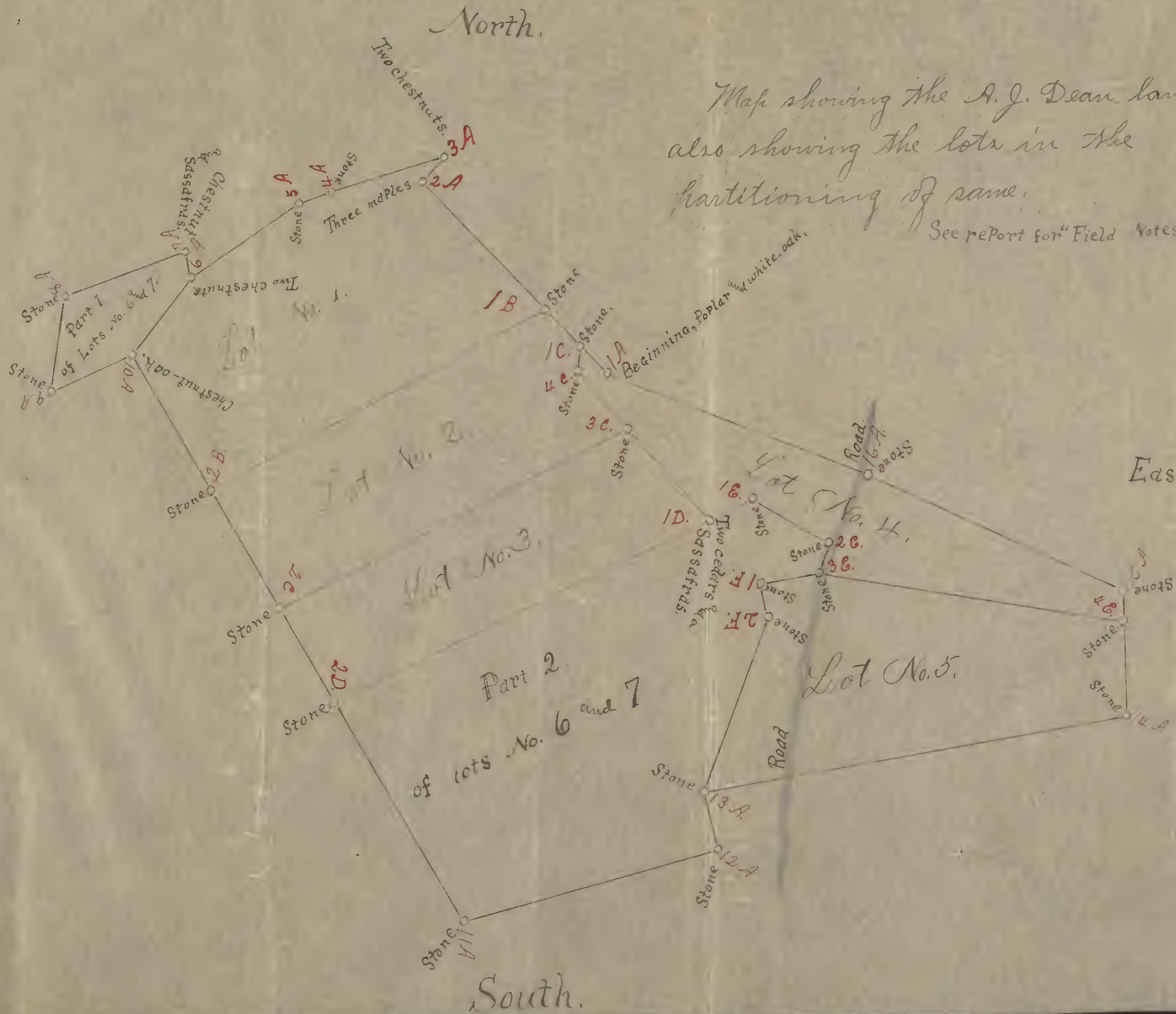
North.

Map showing the A. J. Dean land,  
also showing the lots in the  
partitioning of same.

See report for "Field Notes."

West.

East.





Commissioners Report.

J. S. Yeary, et al.,  
 Vs. In Chancery  
 Luther Dean, et al.,

Plaintiffs.

Defendants.

To the Honorable H. A. W. Skeen, judge of the  
 Circuit Court of Lee County, Virginia.

The undersigned, who were, by a decree rendered by  
 your Honor, in the above styled cause, on the 19<sup>th</sup> day  
 of September 1907, appointed commissioners for the purpose ~~and~~  
 and directed to go upon the lands of A. J. Dean, deceased,  
 and lay off, partition<sup>d</sup> and assign to the children and heirs  
 at law of the said A. J. Dean, beg leave to report as follows:

That, in accordance with said decree, we did  
 go upon the said lands (in the "Bill" mentioned) on the 20<sup>th</sup> day  
 of November 1907, (and subsequent days) and surveyed the entire  
 boundary, which is bounded as follows: Beginning,  
 at a stone between a large poplar<sup>d</sup> & white oak, (1 A.)  
 then, N. 44<sup>1</sup>/<sub>10</sub> W., 64 po., <sup>2</sup>/<sub>4</sub> 8 lks., to three maples: (2 A.) then, N. 41<sup>1</sup>/<sub>4</sub> E.,  
 7 po. 10 lks., to two chestnuts from one stump: (3 A.) then, S. 72<sup>3</sup>/<sub>10</sub> W.,  
 28 po. 14 lks., to a stone: (4 A.) then, S. 69<sup>3</sup>/<sub>4</sub> W., 7 po. 15 lks., to a stone: (5 A.)  
 then, S. 55 W. 32 po., to two chestnuts: (6 A.) then, N. 13 W., 5 po.,  
 20 lks., to a chestnut and sassafras: (7 A.) then S. 69<sup>1</sup>/<sub>10</sub> W., 31 po.  
 to a stone: (8 A.) then, S. 6<sup>8</sup>/<sub>10</sub> W., 22 po. 9 lks to a stone (9 A.) on  
 top of the Chestnut Ridge: then, along the top of said ridge,



N.  $66\frac{1}{2}^{\circ}$  E., 21 po. 3 lks., to a large chestnut oak: (10 A) on top of the same ridge: then, S  $31\frac{5}{10}^{\circ}$  E., 157 po. 14 lks., to a stone: (11 A.) then, N.  $73\frac{3}{10}^{\circ}$  E., 64 po., to a stone, (12 A.) at an old mulberry stump near a bluff of rock, said stone is a corner to P.M. Ely's land: then, N.  $13\frac{1}{4}^{\circ}$  W., 14 po., to a stone: (13 A.) then, N.  $79\frac{2}{10}^{\circ}$  E., 103 po. 2<sup>nd</sup> 12 lks., to a stone: (14 A.) then, N.  $2\frac{9}{10}^{\circ}$  W., 30 po., to a stone (15 A.) then N.  $66\frac{4}{10}^{\circ}$  W., 67 po. 15 lks., to a stone (16 A.) on the east side of a public road: then crossing the road, N.  $70^{\circ}$  W., 67 po. 10 lks., to the "Beginning." (1 A.)

Containing  $138\frac{3}{10}$  acres more or less.

We then proceeded to lay off and assign the same among the heirs as follows:

First, to Mrs. Flora Steadham, (Dean) we assigned lot No. 1, as shown by accompanying map, and the same is bounded as follows: Beginning, at a stone in a hollow, (1 B.) a corner to No. 2, N.  $44\frac{4}{10}^{\circ}$  W., 42 po. 8 lks., to three maples: (2 A.) then, N.  $41\frac{1}{4}^{\circ}$  E., 7 po. 10 lks., to two chestnuts (3 A.) from one stump: then, S.  $72\frac{2}{10}^{\circ}$  W., 28 po. 14 lks., to a stone: (4 A.) then, S.  $69\frac{3}{4}^{\circ}$  W., 7 po. 15 lks., to a stone: (5 A.) then, S.  $55^{\circ}$  W., 32 po., to two chestnuts: (6 A.) then, S.  $35\frac{1}{2}^{\circ}$  W., 23 po. 7 lks., to a large chestnut-oak, (10 A.) on top of the Chestnut Ridge: then, S  $31\frac{5}{10}^{\circ}$  E., 36 po. 5 lks., to a stone: (2 B.) then, N.  $60\frac{3}{4}^{\circ}$  E., 92 po. 10 lks., to the "Beginning." Containing 25.38 acres more or less.

Second: to Mrs. Laura Burkaw, (Dean) we assigned lot No. 2, as shown by the map, and said lot is bounded as follows: Beginning, at a stone (1 C.) by



a black-oak stump, a corner to lot No. 4, then, N.  $44\frac{4}{10}$  W., 12 po., to a stone (1 B.) in a hollow, a corner to No. 1: then, S.  $60\frac{3}{4}$  W., 92 po. 10 lks., to a stone (2 B.) a corner to No. 1: then, S.  $31\frac{8}{10}$  E., 32 po. 20 lks., to a stone (2 C.) a corner to N. 3: then, N. 62 E., 94 po. 15 lks., to a stone (3 C.) a corner to No. 3: then, N.  $43\frac{4}{10}$  W., 18 po. 5 lks., to a stone (4 C.) on the east bank of a road: then down the road, N.  $6\frac{1}{2}$  E., 6 po., to the Beginning. (1 C.) containing 19.38 acres more or less.

Third: to Mrs. Letha Caulder, (Dean) we assigned lot No. 3, as shown by the map, and bounded as follows: Beginning, at two cedars and a sassafras (1 D.) a corner to No. 4, then, S.  $63\frac{2}{10}$  W., 100 po. 8 lks., to a stone: (2 D.) a corner to lots No. 6 and 7: then, N.  $31\frac{8}{10}$  W., 26 po. 14 lks. then N. 62 E., 94 po. 15 lks. Stone: (3 C.) to a stone (2 C.) a corner to No. 2, then, S.  $43\frac{4}{10}$  E., 29 po. 20 lks., to the Beginning, (1 D.) containing 16.43 acres more or less.

Fourth: to Rufus Dean's heirs we assigned lot No. 4, as shown on the map, and bounded as follows: Beginning, at a stone (1 A.) between a large poplar and white oak, the beginning corner of the main tract, then, N.  $44\frac{4}{10}$  W., 10 po., to a stone, (1 C.) a corner to lot No. 2, then, S.  $6\frac{1}{2}$  W., 6 po., to a stone (4 C.) on the east bank of a road: a corner to No. 2, then, S.  $43\frac{4}{10}$  E., 48 po. 5 lks., to two cedars and a sassafras (1 D.) the beginning corner of lot No. 3, then, N.  $63\frac{2}{10}$  E., 11 po. 17 lks., to a stone, (1 E.) a corner to lots 6 and 7: then, S.  $59\frac{2}{10}$  E., 20 po. 20 lks., to a stone (2 E.) on west side of a public road; then down the road, S.  $14\frac{3}{4}$  W., 7 po., to a stone (3 E.) on the west side of the road near the corner of a garden: then, S.  $8\frac{1}{10}$  E., 75 po. to a stone, (4 E.) near a mulberry marked as a pointer: then,



N.  $2\frac{3}{4}$  W., 7 po. 5 lks., to a stone: (15 A.) Then, N.  $66\frac{7}{10}$  W., 67 po. 15 lks., to a stone, (16 A.) on the east bank of a public road: then, crossing the road, N. 70 W., 67 po. 10 lks., to the Beginning, (1 A.) containing 14.25 acres more or less.

Fifth: to Mrs. Hester Smith's (Dean) heirs we assigned lot No. 5, as shown by the map, and bounded as follows: Beginning, at a stone, <sup>(3 E.)</sup> at a public road, said stone is on the west side of the road, and is a corner to lots No. 6 and 7, and is also a corner to lot No. 4: then, S.  $78\frac{1}{2}$  W., 14 po. 15 lks., to a stone (1 F.) in a hollow near the corner of a garden: then, S.  $14\frac{1}{4}$  E., 7 po. 15 lks., to a stone (2 F.) then, S.  $17\frac{1}{2}$  W., 45 po. 5 lks., to a stone (13 A.) then, N.  $79\frac{3}{10}$  E., 103 po. 12 lks., to a stone (14 A.) then, N.  $2\frac{3}{4}$  W., 22 po. 20 lks., to a stone (4 E.) near a mulberry marked as a pointer, said stone is a corner to lot No. 4; then, N.  $81\frac{1}{10}$  W., 75 po., to the Beginning, (3 E.) containing 21.67 acres more or less.

Sixth: to Joseph S. Yeary<sup>3d</sup> Lavinia Yeary (Dean) we assign lots 6 and 7, the said Joseph S. Yeary having bought the undivided interest (of A. J. Dean's land,) of Thompson Dean's heirs; the said J. S. Yeary had <sup>also</sup> during A. J. Dean's lifetime purchased and paid said Dean for a small tract of land, and having received no deed for same we deemed it just that he should have same in the assignment of the two lots. (6 & 7.)

These two lots consist of two parts. Part one contains 3.56 acres and is situated in the north-west corner of the main tract, and is bounded as follows: Beginning, at two small chestnuts (6 A.) then, N. 13 W., 5 po. 20 lks., to a



chestnut & sassafras, (7.A.) then, S.  $69\frac{1}{2}$  W., 31 po., to a stone, (8.A.) then, S.  $6\frac{3}{4}$  W., 22 po. 9 lks., to a stone, (9.A.) on top of the Chestnut Ridge: then, along the top of the ridge, N.  $66\frac{1}{2}$  E., 21 po. 3 lks., to a large chestnut-oak (10.A.) on top of said ridge: then, N.  $35\frac{1}{2}$  E., 23 po. 7 lks., to the Beginning, (6.A.).

Part two contains 38.17 acres, and is situated in the southwest part of the main tract and is bounded as follows: Beginning at a stone (12.A.) at an old mulberry stump, near a bluff of rocks; said stone is a corner to P. M. Ely's land, then, N.  $13\frac{1}{2}$  W., 14 po., to a stone (13.A.) a corner to lot No. 5, then with lines of No. 5, as follows: N.  $17\frac{1}{2}$  E., 45 po. 5 lks., to a stone (2.F.) then, N.  $14\frac{1}{2}$  W., 7 po. 15 lks., to a stone (1.F.) in a hollow near the corner of a garden; then, N.  $78\frac{1}{2}$  E., 14 po. 15 lks., to a stone (3.E.) on the west side of a public road, said stone is a corner to lots No. 4, and No. 5; then up the road, N.  $14\frac{3}{4}$  E., 7 po., to a stone (2.E.) on the west side of the road; said stone is a corner to lot No. 4; then, N.  $59\frac{1}{2}$  W., 20 po. 20 lks., to a stone (1.E.) then, S.  $63\frac{3}{4}$  W., 112 po. to a stone (2.D.) this line passes two cedars and a sassafras at 11 po. and 17 lks., the said cedars and sassafras are a corner to lots No. 3, and No. 4: then, S.  $31\frac{1}{2}$  E., 62 po., to a stone, (11.A.) said stone is a corner to P. M. Ely's land: then, N.  $73\frac{3}{4}$  E., 64 po., to the Beginning, (12.A.) The two parts making a total of 41.74 acres more or less,

It will be seen by reference to the map that



lots No. 1, No. 2 and No. 3, do not reach the public road.

The owners of these lots shall have the privilege and right to pass out to the public road along the north-east line of the main tract: No. 1 passing over No. 2 and No. 4; and No. 2 passing over No. 4; No. 3 passing over No. 2 and 4; In passing over No. 4, the owners of No. 1, 2 and 3, shall not go directly across No. 4, but must pass along the north-east line as before stated.

Reference is here made to the map or plat of said land, which is attached to this report, said map showing the boundaries of the entire tract as well as the boundaries of the lots laid off and assigned to those entitled to same; and this map is asked to be taken as part of this report.

All of which is respectfully submitted, this the 4th. day of Dec. 1907

Signed,

S. E. Thompson

M. M. Speak

G. F. Smith

Commissioners.

Sworn<sup>y</sup> subscribed to before me this 4th. day of Dec. 1907

My Commission Expires March 9th, 1911

T. M. King. N. P.

Costs.

S. E. Thompson,

M. M. Speak,

G. F. Smith,

Joshua Smith, Plagman.

T. M. King, N. P.

Commissioners.

\$ 4.50

\$ 16.00

\$ 7.00

\$ 6.00

.50

\$ 34.00



J. S. Yeary, et al  
vs Plomer Report.  
Luther Dean, et al,  
Filed Dec. 6, 1907.

H. C. T. Evening.  
Clock.

Recorded in Dord  
Book 46, page 448  
Examined Jan 25, 1908  
Indexed